REMARKS

Summary of Claims

No claim has been amended. Claims 1-18 remain in the application.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Peinado et al. (WO 00/59150) ("Peinado") in view of Rich et al. (US 2004/0117467) ("Rich"). As explained below, no *prima facie* obviousness has been established and this rejection should be withdrawn.

The claims are directed to methods and computer readable media for rendering content encrypted according to a cryptographic key where a decryption key (KD) for decrypting the encrypted content is encrypted according to a public key of a rights management (RM) server that normally delivers (KD) within a license that is bound to the encrypted content. The claimed methods and computer readable media are directed to the situation where the RM server has been decommissioned and can no longer issue such a license to the user's computing device. In particular, when the RM server has been decommissioned, the method of independent claim 1 includes the following steps:

receiving a notification that the RM server has been decommissioned;

attempting to render a piece of content;

determining that such content is protected to the decommissioned RM server;

sending a request to the decommissioned RM server for the content key (KD) for the content rather than any license; and

receiving (KD) from the decommissioned RM server.

Independent claim 10 recites computer-readable media having stored thereon computer-executable instructions for performing such a method of rendering content.

Independent claim 7 is directed to the method for an RM server to respond to a request to render content encrypted according to a cryptographic key where a decryption key (KD) for decrypting the encrypted content is encrypted according to a public key of the RM server, where the RM server normally delivers (KD) within a license that is bound to the encrypted content but has been decommissioned and can no longer issue such a license. In

particular, when the RM server has been decommissioned, the method of independent claim 7
includes the following steps:

receiving the request to render the content, the request including the rights data
corresponding to the content;

retrieving (KD) from the rights data by applying (PR-RM) to (PU-RM(KD)) to result
in (KD); and

sending (KD) to the requester rather than any license when the RM server has been
decommissioned.

Independent claim 16 recites computer-readable media having stored thereon computer-
executable instructions for performing such a method of rendering content.

Support for the claimed methods and computer readable media may be found
throughout the specification and particularly at pages 46-49 with reference to Figure 17.

In rejecting the claims, the Examiner acknowledged in the Official Action at page 3,
lines 9-10, that "Peinado is silent on receiving a notification that the RM server has been
decommissioned." Thus, the Examiner agrees that Peinado does not suggest what to do when
the RM server has been decommissioned. However, the Examiner has now cited Rich,
alleging that it would have been obvious to one skilled in the art to combine the teachings of
Rich with the teachings of Peinado to perform the claimed method. The Examiner based his
rejection on Rich's purported teachings of receiving a notification that the RM server has
been decommissioned and sending a request to the decommissioned server for a license and
receiving the license from the decommissioned server. The rejection is improper and is
traversed.

The rejection is believed to be improper since rather than sending a request to the
decommissioned server for a license, the claimed method calls for "sending a request to the
decommissioned server for the *content key (KD) for the content rather than any license*" and
"*receiving (KD) from the decommissioned RM server*" (emphasis added). Similar language
may be found in the other independent claims. Such a method addresses the problem that
protected content protected according to (PU-RM) for the decommissioned RM server can no
longer be licensed by the RM server. In accordance with the claimed methods, the
decommissioned RM server is set up to allow all content protected according to the

decommissioned RM server to be permanently stripped of RM protection and to be saved in a decrypted or "naked" state whereby a request for a license can be responded to by instead providing the content key (KD) (see specification paragraphs [0160]-[0162]).

In contrast, Rich teaches providing a license if one is available or indicating that no licenses can be granted if no licenses are available. Rich provides no teaching of the claimed features identified in italics above whereby the content key (KD) is provided in place of the license for the decommissioned server. Accordingly, even if the teachings of Rich could have been combined with the teachings of Peinado as the Examiner alleges, the claimed methods and computer readable media would not have been suggested to persons skilled in the art. As no *prima facie* obviousness has been established, withdrawal of the rejection of claims 1-18 as unpatentable as obvious over Peinado and Rich is appropriate and is solicited.

Conclusion

For at least the reasons set forth above, the rejection of claims 1-18 is believed to be improper and should be withdrawn. Withdrawal of the rejection of claims 1-18 and issuance of a Notice of Allowability are solicited.

Date: August 14, 2008

/Michael P. Dunnam/
Michael P. Dunnam
Registration No. 32,611

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439